

1 UNITED STATES DISTRICT COURT
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3 EASTERN DISTRICT OF NEW YORK
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7 UNITED STATES OF AMERICA :
8

9 - against - : CR 98-754
10

11 JOHN DOE, : United States Courthouse
12 Brooklyn, New York
13

14 Defendant. :
15 ----- X
16

17 December 21, 1998
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19 TRANSCRIPT OF STATUS CONFERENCE
20 BEFORE THE HONORABLE ALLYNE R. ROSS
21 UNITED STATES DISTRICT JUDGE
22

23 APPEARANCES:
24

25 For the Government:
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27 MICHELLE DeLONG
28 Assistant United States Attorney
29 One Pierrepont Plaza
30 Brooklyn, New York
31

32 For the Defendant:
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34 ANTHONY RICCO, ESQ.
35

36 Court Reporter:
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38 HENRI LeGENDRE*
39 225 Cadman Plaza East
40 Brooklyn, New York
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42 *Transcribed by JOHN M. JONES, C.S.R., Senior Court Reporter
43 (retired), New York State Supreme Court, Kings County, from
44 the stenographic notes of HENRI LeGENDRE (deceased).
45

1 THE CLERK: U.S.A. versus John Doe.

2 MS. DeLONG: Michelle DeLong.

3 MR. RICCO: Anthony Ricco for John Doe.

4 THE COURT: As I recall, we put this on as a
5 status. You were going to seek a firmer examination, is
6 that correct?

7 MR. RICCO: Yes, your Honor. Miss DeLong has
8 has an opportunity to keep in touch and discuss this issue.
9 I think that both the Government and I believe that Dr.
10 Rosenfeld's evaluation needs to be supplemented because
11 some of the basic factors that the Court has to consider
12 in connection with making a determination has not been
13 reached by Dr. Rosenfeld. We were hoping that we could
14 agree on a person, but I think the Government has the same
15 problem as the defense has in that there are not many
16 psychiatrists and psychologists who have familiarity with
17 the Traver (ph.) statute.

18 However, I do have one person in mind that I'm
19 going to submit an order to the Court this week for the
20 defendant to have further evaluation. I think the government
21 and I will continue to talk about who that individual is.
22 Hopefully we can agree on that person. If not, certainly
23 I would like to get the information to the Court so the
24 Court can pass that threshold, so we can move on with respect
25 to the case itself.

1 THE COURT: Okay, just so I understand, this
2 may be agreed upon so there would be another essentially
3 Court examiner; if not it will be a defense examiner

4 MS. DeLONG: I believe that's correct. If it's
5 agreed upon, it will be by the Court, if not, CJA. They
6 get paid under the act, defense witness, paid either way.

7 THE COURT: Then you'll let me know. I will be
8 out of town next week. I'll be returning the week of
9 January 4th. But I will be here through Thursday of this
10 week if you're able to do it by then.
11

12 MR. RICCO: And Judge, a conference that first
13 week your Honor is back will be helpful to both the
14 Government and I in terms of just focusing on what we have
15 to do, even if it's just a brief status conference.
16

17 THE COURT: Put it on the week of January 4th.
18

19 MR. RICCO: Yes, your Honor.
20

21 THE COURT: Does anyone have a strong feeling?
22 We could even put it on the 4th.
23

24 MS. DeLONG: I just finished a trial. My week
25 is completely free. I think perhaps if we don't do it on
the 4th we'd have trouble reaching a psychologist,
psychiatrist, because of the holidays. We may be better
doing it the next week so we have a better shot of nailing
something down.

26 THE CLERK: January 7th at 3?
27

28 MS. DeLONG: That's fine.
29

1 THE COURT: Did you have any luck putting that
2 hearing on?

3 MS. DeLONG: Your Honor, just one other very brief
4 thing. I don't think it makes any difference but the
5 defendant, since our last matter, had his twenty-first
6 birthday. In terms of housing him, because he was arrested
7 prior to the time he turned 21, we still continue?

8 THE COURT: That's my understanding. If you have
9 any difficulty, you can let me know.

10 MS. DeLONG: Thank you.

11 MR. RICCO: Your Honor, also--well, I'm going
12 to submit to the Court some subpoenas for the defendant's
13 school records. Apparently it's been some difficulty
14 getting them. I believe it will also be helpful to the
15 Court.

16 MS. DeLONG: I have no problem if Mr. Ricco
17 succeeds in getting them. I subpoenaed the records three
18 times so far and just come up completely empty. I know
19 the D.A.'s office had subpoenaed them when there was a case
20 pending there and they also had no luck, but I have no
21 objection whatsoever to Mr. Ricco making his attempt.

22 MR. RICCO: We'll see you on the 7th.

23 THE COURT: Couple of weeks.

24 MS. DeLONG: Happy holidays.

25 Certified to be an accurate transcript of the minutes
taken by Henri LeGendre in the above proceeding, to
the best of my ability.

John M. Jones
John M. Jones, C.S.R., senior court reporter (retired)
Supreme Court Kings County.